UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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DAVID NORKIN,

Plaintiff,

-against-

DLA PIPER RUDNICK GRAY CARY, LLP,

Defendant.

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Case No. 05 CV 9137 (DC)

NOTICE OF MOTION TO REMAND

S I R S:

PLEASE TAKE NOTICE, that upon the attached declaration of Richard M. Asche, dated November 23, 2005, in support of the motion to remand, the exhibits annexed thereto, and the accompanying Memorandum of Law in support of plaintiff's motion to remand, plaintiff David Norkin will move this Court at the Courthouse, 500 Pearl Street, Courtroom 11B, New York, New York 10007, on December 15, 2005 at 10:00 a.m., or as soon thereafter as counsel can be heard, for an order, pursuant to 28 U.S.C. §§1334(c)(2) and 1452(b)

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abstaining from asserting federal jurisdiction over this case and remanding the case to the Supreme Court, New York County.

Dated: New York, New York
November 23, 2005

Litman, Asche & Gioiella, LLP

By:______________________________
Richard M. Asche (RMA-7081)

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